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UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re Application of:

SAN FRANCISCO UNITED
SCHOOL DISTRICT

STATION KALB 120
For Renewal of License

MS DOCKET NO. 10-10-101

File No. 10-10-10027

OCT 6 1934

INTERVIEW OF: ARLENE ACKERMAN

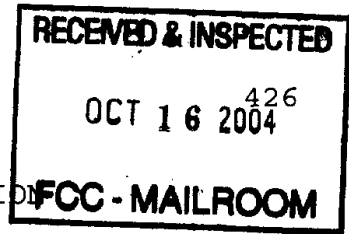
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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In Re Applications of:)	MB DOCKET No.: 04-191
)	
SAN FRANCISCO UNIFIED)	File No.: EB-04-IH-0270
SCHOOL DISTRICT)	
)	
STATION KALW(FM))	
For Renewal of License)	

Suite 200
Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, CA

Tuesday,
September 29, 2004

The parties met, pursuant to the notice of the
Judge, at 9:30 a.m.

APPEARANCES:

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I N D E XWITNESSES:PAGE

ARLENE ACKERMAN

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Testimony Began: 9:30 a.m. Testimony Ended: 10:20 a.m.

1 P R O C E E D I N G S

2 COURT REPORTER: Please raise your right hand.

3 Whereupon,

4 ARLENE ACKERMAN

5 was called as a witness herein and, having been duly sworn,

6 was examined and testified as follows:

7 MS. LEAVITT: Good morning, Dr. Ackerman.

8 THE WITNESS: Good morning.

9 E X A M I N A T I O N

10 BY MS. LEAVITT:

11 Q I'd like to ask you a couple of questions, first
12 about your background. Can you tell me what you did, your
13 educational background after high school?

14 A Okay. Do you want me to tell you the names of my
15 colleges or --

16 Q And the degrees that you've earned?

17 A Okay. I have a B.A. Degree from Harristow State
18 Teachers College. I Have an M.A. Degree from Washington
19 University, both of those are in St. Louis, Missouri. I
20 have another M.A. Degree from Harvard in Cambridge,
21 Massachusetts. And I have an E.D.D. from Harvard.

22 Q And these are all in education, I take it?

23 A Yes.

24 Q And when did you earn these degrees?

25 A Let's see, the first degree, B.A. was in 1968.

1 The second, the M.A. was in 1981. The second M.A. was in
2 1992. And I believe the Doctorate was in 2001.

3 Q Okay. And just to back up a little bit, I'd also
4 like to get your full name and address for the record too?

5 A Okay. Arlene Ackerman, and my address, home
6 address is 388 Beale Street, B-e-a-l-e, Apartment 1801.

7 Q And that's in San Francisco?

8 A San Francisco, yes.

9 Q And how long have you been at that address?

10 A About a year.

11 Q Okay. And what was your address prior to that?

12 A 466 Gellar Street, or Gellar Drive, I'm sorry, and
13 that's in San Francisco.

14 Q And how long were you there?

15 A A year. I was moving around a lot.

16 Q And how about before that?

17 A I was at, oh my God, 2274 36th Avenue and that's
18 also in San Francisco, and I was there two years.

19 Q Okay. So, that would take you back to about 2000,
20 1999?

21 A Uh-hum.

22 Q And have you been in San Francisco -- how long
23 have you been in San Francisco?

24 A Four years.

25 Q Okay. And where were you prior to that?

1 A Washington, D.C.

2 Q Oh, okay. And what were you in Washington D.C.
3 for?

4 A Superintendent of Schools.

5 Q What School?

6 A Of the School District.

7 Q Of the entire District?

8 A Yeah.

9 Q Okay. And how long were you there?

10 A I was there three years.

11 Q Okay. And what brought you to San Francisco?

12 A I was recruited and the job.

13 Q Into which job?

14 A I'm sorry, I'm Superintendent of Schools.

15 Q Okay.

16 A Okay, I didn't tell you that.

17 Q That's okay.

18 A I'm Superintendent of Schools here in San
19 Francisco, and I was Superintendent of Schools in Washington
20 D.C.

21 Q And so your job here in the San Francisco Unified
22 School District was why you came to San Francisco?

23 A Yes.

24 Q What are your duties as Superintendent?

25 A I have overall responsibility for the entire

1 School District operations, so 116 schools, and that would
2 include principals, teachers, classified and support staff.

3 Q And what is your involvement in Station KALW?

4 A It actually is a part of my responsibilities in
5 terms of oversight, although I have two -- overall oversight
6 -- I have two staff members who directly are involved, three
7 who are directly involved with KALW.

8 Q And who would those individuals be?

9 A The Station Manager would be Nicole Sawaya -- how
10 do you say her name?

11 MS. REPP: Sawaya.

12 THE WITNESS: Sawaya, I always mispronounce her
13 name, I'm sorry. I know how to spell it, I just can't
14 pronounce it -- who is, I believe, you know, a professional
15 in every way. And I have great confidence in her ability to
16 run the station. But, I also have two, one special
17 assistant who is over public engagement, that's Lorna Hull.
18 And Nyong Leigh who is over policy and all regulatory kinds
19 of activities in the District, who also provide oversight to
20 Nicole.

21 MS. REPP: For the record, N-y-o-n-g and then the
22 last name is L-e-i-g-h. And Lorna Ho, is L-o-r-n-a, H-o.

23 BY MS. LEAVITT:

24 Q And what was the start date of your tenure here in
25 the School District?

1 A August 2000.

2 Q When you came to the District, were you aware that
3 there was a challenge to the renewal of the station of KALW?

4 A Not initially. Not when I -- I mean within the
5 first few months I was told about the challenge, but not
6 when I accepted the position.

7 Q Okay. And who advised you?

8 A I don't remember, I really don't remember.

9 Q Okay, sure.

10 A I believe it may have been a board member.

11 Q Okay. And what experience have you had prior to
12 coming to the San Francisco Unified School District, in
13 managing or overseeing radio stations?

14 A This was my first experience in managing and
15 overseeing a station, a radio station.

16 Q Okay. And when did Ms. Sawaya start?

17 A I believe in the spring of 2001.

18 Q And were you involved in her hiring?

19 A Yes.

20 Q Who hired her?

21 A At the time it was Jackie Wright, and it was an
22 extensive process of, you know, search for a manager, and
23 there was a selection committee and the way I usually handle
24 positions like this, I interview the final candidates, the
25 top two candidates, and I interviewed her. She was the

1 selection committee's first choice, and after interviewing
2 her she was also my top choice.

3 Q And did you actually have the final say in terms
4 of who was hired?

5 A Yes.

6 Q Okay. And as for Ms. Ho and Mr. Leigh, who --

7 A Ms. HO wasn't here at that point.

8 Q Okay.

9 A And Mr. Leigh may have been on the selection, I
10 don't remember if he was on the selection committee or not
11 but, the final -- at that point it was actually Jackie
12 Wright who was directly involved in the process, the
13 selection process.

14 Q And what are their respective responsibilities or
15 relationship to managing the station?

16 A Who, Jackie Wright?

17 Q No, I'm sorry, and I'm sorry if I was unclear,
18 Mr. Leigh and Ms. Ho?

19 A They just provide oversight and support to Nicole
20 as needed.

21 Q Who is, in this structure that you've described,
22 who has ultimate authority and responsibility for managing
23 the station?

24 A Nicole.

25 Q Okay. There's a renewal application that will

1 probably have to be filed next year, as you may be aware,
2 and who would be the person who is going to be certifying
3 that application?

4 A Well, given, you know, the problems that we've had
5 and the discussions with staff and outside counsel, we've
6 put in place a new process. And Nicole will be assisted
7 with outside counsel in developing those reports in the
8 future. And they'll come to me for approval before they're
9 sent to you.

10 Q Okay. And will you actually be signing the
11 application, renewal application and certifying that it's
12 correct?

13 A I think Nicole will still be doing it, but I will
14 get a chance to actually look at it and talk to counsel
15 about it before it actually will be submitted to you, to the
16 FCC.

17 Q Okay. This was your first experience in managing
18 a station or being involved with a radio station in your
19 position as a superintendent here, how did you acquire
20 knowledge or learn what was required in complying with
21 Commission Rules?

22 A Well, I don't know if I was involved in that level
23 of detail with the station, you know, my job was to hire a
24 professional manager who would be involved in the details of
25 the operation. And at the time that I came to the District,

1 you know, this was one of many, many others, and probably
2 not as serious as other issues that I was facing when I
3 first came. I actually had, we had an E-Rate scandal and
4 they had to call in the FBI, there was corruption, we
5 actually had people going to jail, all of this was happening
6 when I first came in. So, and there was, as I remember,
7 there was just a person who was entering there in that
8 position. And so the job, Jackie's job at that point was to
9 get a professional person who could manage the -- and that
10 ended up to be Nicole -- who could manage the station, who
11 had the professional experience to understand the regulatory
12 procedures and the processes that needed to be in place to
13 ensure that we were complying.

14 Q And you were relying also on outside counsel?

15 A At that point, yes, we were.

16 Q And who was that?

17 A That was Sanchez, was it Ernie?

18 Q Yes.

19 A Ernie Sanchez.

20 Q I have a document, it's a letter dated February 5,
21 2001 from the Federal Communications Commission addressed to
22 Mr. Sanchez, regarding Station KALW FM San Francisco,
23 California, and I'll let you take a look at that.

24 A Okay.

25 Q Do you recall seeing this letter?

1 A No.

2 Q You've never seen this?

3 A No.

4 Q Did Mr. Sanchez --

5 A What date was that?

6 Q That was February 5, 2001. So, if you -- and you
7 said that a couple of months after arriving you learned of
8 the challenge?

9 A Right.

10 Q Did Mr. Sanchez ever come to you to discuss any
11 input in responding to the Commission?

12 A No.

13 Q Do you know who he may have spoken with?

14 A Probably Jackie Wright and the interim Station
15 Manager at that point.

16 Q And who was that?

17 A I think it's, is it Bill Wilkerson or -- oh my --
18 MS. REPP: Am I allowed to help?

19 MR. SHOOK: Feel free.

20 MS. REPP: Bill Helgeson.

21 THE WITNESS: Helgeson, I'm sorry.

22 MS. REPP: You were close.

23 THE WITNESS: Oh my God.

24 BY MS. LEAVITT:

25 Q How many employees are in the School District?

1 A Six thousand.

2 Q Okay.

3 A I know his face, I could point him out.

4 Q Okay. Jackie Wright, what was Jackie Wright's
5 function?

6 A She was Executive Director of Public Engagement.

7 Q And what duties or involvement did she have in
8 terms of the station?

9 A She provided direct oversight of the Station
10 Manager and all the station's functions and activities.

11 Q And who is her counterpart now?

12 A Lorna.

13 Q Okay. I'm going to show you a document that's got
14 a received stamp of April 6, 2001, Office of the Secretary
15 of the FCC, it's dated April 5, 2001, directed to Linda
16 Blair, Chief of the Audio Services Division, and it's from
17 the Sanchez Law Firm. And if you could just take a look at
18 that?

19 A Uh-hum.

20 Q This is a document, it's a response to the FCC's
21 letter of inquiry dated February 5, 2001. Did you, have you
22 seen this before?

23 A No.

24 Q Did you -- so you have not -- this is the first
25 time you're seeing this document?

1 A Yes.

2 Q Do you know if you provided any input into the
3 drafting of this document?

4 A I did not.

5 Q Do you know who might have?

6 A Well, I would imagine Bill would have, as well as
7 maybe Jackie, but I'm not sure.

8 Q Okay. Would Nicole Sawaya have had any
9 involvement in that?

10 A I don't think she was hired until about March or
11 April.

12 Q Right, and this was filed on April 5th or April 6,
13 2001, so --

14 A I doubt that she would have been involved in it at
15 that point.

16 Q Okay. You mentioned that a couple of months after
17 starting in your position here you became aware, maybe from
18 a board member, of the challenge to the renewal application.
19 What exactly did you learn at that time?

20 A I just, you know, in general I heard that there
21 were problems at KALW, that what was needed was good staff
22 members, you know, professional people with good skills to
23 manage the station. And at the time it was being run by an
24 interim, so I hired, first of all, Jackie Wright and one of
25 her first charges was to find a good Station Manager.

1 Q And when did you hire Jackie or when did she start
2 in her position?

3 A Probably four or five months after I, maybe, I
4 don't remember. Time flies when you're having fun. Maybe a
5 few months before we hired Nicole. That was probably one of
6 the first things she did. So, maybe December or January.

7 Q Did you have any idea of what the specific issues
8 were other than, you know, just needing good staff?

9 A No, I didn't. I knew there had been a challenge,
10 I wasn't quite sure what that meant. I knew there were, you
11 know, sort of larger issues around staffing, but it just
12 wasn't, at that point, you know, I knew we needed to get
13 competent people in place.

14 Q Right.

15 A And so the first charge was to find a person who
16 could, you know, people who could actually do the work and
17 get us -- I didn't have those skills so I had to get some
18 people in place who did have the skills in order to begin to
19 uncover what the serious nature of the problems were, and to
20 begin to fix them.

21 Q Right. Why do you think that you would not have
22 seen or had been asked for any information, or to provide
23 input regarding the Commission's letter asking for specific
24 questions about the issues surrounding the renewal and its
25 challenge?

1 A I think, well, I came in and, you know, there was
2 a lot of stuff going on.

3 Q I know.

4 A And so, and I believe that the station had
5 operated pretty much, you know, the last, the year, previous
6 year on its own, because there was an interim superintendent
7 in place. And so there was at least between the time that
8 this challenge came and the time I came on board, there was
9 at least one interim superintendent. And then I came on
10 board and there were all these other problems, and so my job
11 then was to hire competent staff, not only in this area, but
12 I was busy trying to put out fires in other areas also. So,
13 I hired Jackie and she immediately began to look for a
14 strong and competent station manager. We found Nicole
15 really within months after Jackie's hire.

16 Q Okay. How frequent was your contact with
17 Mr. Sanchez?

18 A I never had a conversation with him.

19 Q Oh, so, you've never spoken with him?

20 A Well --

21 Q At that time?

22 A At that time, right.

23 Q Please describe how your relationship with
24 Mr. Sanchez evolved regarding his representation of the
25 School District regarding the FCC matters?

1 MS. REPP: If I could just interject that it's
2 fine to talk about the fact that you had conversations with
3 Mr. Sanchez, but to please not delve into the substance so
4 that we can protect the attorney/client privilege.

5 THE WITNESS: Okay. I've had conversations with
6 him within the last maybe three months, four months but,
7 before that, I don't recall a conversation with him.

8 BY MS. LEAVITT:

9 Q So, basically that last three or four months would
10 be maybe late Spring or Summer of 2004?

11 A Late Spring.

12 Q And is he still representing the School District?

13 A No.

14 Q How frequent was your contact with him when you
15 did contact him or he contacted you?

16 A I actually only had one occasion to meet and speak
17 with him and it was really when I was aware that there was,
18 you know, this serious problem with the FCC. And I asked
19 for all of the lawyers, I mean I asked for him to come
20 because I hadn't had conversations with him, and I was
21 really trying to find out exactly why, you know, this was
22 the first time I was hearing about the seriousness of this
23 and what had been done before.

24 Q Right. Was this -- I'm sorry -- was this in
25 relationship to the hearing designation at that --

1 A Yes.

2 Q Okay.

3 A In fact, I called, when I found out about it, I
4 immediately called Louise and Hogan & Hartson.

5 Q Okay.

6 A And he came to the meeting.

7 Q Okay. Thank you. Can you tell me about your
8 vision for the station?

9 A I believe that the station has so much potential,
10 not only in serving as, you know, sort of a service to the
11 broader public, public radio, and usually, you know, I'm
12 there to support the annual fund raising drive, but there
13 are a lot of people who listen and love the programs that we
14 offer. I see it as an opportunity to engage young people in
15 internships, people who maybe interested in, as a learning
16 laboratory also for young people who may be interested in
17 broadcasting. We haven't, you know, that's my sort of long
18 range vision, it's actually, the station is actually in a
19 school, high school, and my experiences in Seattle was, you
20 know, one that I sort of would like to see happen here with
21 the radio station, not only does it offer, you know, public
22 broadcasting and programs to the community as a whole but it
23 did offer to young people who were interested in a career in
24 broadcasting, an opportunity to train and to get experiences
25 for career based experiences.

1 Q Are there currently any programs in place?

2 A No, that's a goal, that's a long range vision.

3 Q Okay.

4 A It can do both, serve as a community service as
5 well as an opportunity for young people to learn about
6 broadcasting.

7 Q And when do you project actually getting to the
8 point where you may have implemented internships and what
9 not?

10 A Oh, that's one of the things we're looking into,
11 in terms of career pathways at that particular school, and
12 so the hope is within the next year to 18 months we'll be
13 able to actually use, you know, the station as an extension
14 of a career pathway in broadcasting.

15 Q You mentioned Seattle, modeling it on your
16 experience with Seattle, can you explain what you mean by
17 that?

18 A Well, we had a similar program, I mean radio
19 station, I wasn't directly in charge of it but, and it was
20 housed in a high school and students actually had an
21 opportunity to work there and to get experience there, and I
22 just thought it was a wonderful way to provide service to
23 the broader community but also may show students the
24 relevance in terms of what they're learning and being able
25 to connect what they learned, their communications skills,

1 their English classes, journalism classes. And embed all of
2 those different curricular activities into the work of the
3 radio station.

4 Q And when were you in Seattle?

5 A I was in Seattle from 1992 to 1997.

6 Q That was prior to your going to Washington --

7 A Going to Washington D.C.

8 Q And what was your position in Seattle?

9 A I was the Deputy Superintendent.

10 Q Okay. You mentioned fund raising. Can you tell
11 me a little bit about the funding of the station, who pays
12 the salaries and what does the School District provide and
13 how does the station get its funds?

14 A Most of it comes from fund raising, I don't
15 remember the -- I'd say probably 97, 98 percent, which is
16 why I try and make sure that, you know, I'm involved in at
17 least, you know, being on the radio, making phone calls,
18 whatever it is that I have to do to help. And then the
19 School District actually provides in kind support, in terms
20 of the space. There may be some other things I just don't
21 remember the details.

22 Q Okay. Do you have any idea of what the general
23 budget is?

24 A Offhand, no, I don't. I don't remember.

25 Q Okay. Now, Ms. Sawaya has been in place since

1 March 2001, so she's been doing the job for a couple of
2 years now. Have you been able -- how frequently are you in
3 contact with her?

4 A I may be able to see her twice a year, you know,
5 in terms of talking about what's happening. I have other
6 interactions with her when I'm at the station or when I'm at
7 that school I may stop in and say hello.

8 Q And do you have an ability, have you had enough
9 experience to form an opinion as to her character?

10 A Yes. I mean she also interviewed me, she has a
11 show and she interviews me maybe twice a year, so it's in a
12 professional interaction that I have with her also. I think
13 she is a fantastic manager, she's strong, she's
14 knowledgeable, she's articulate, you know, and I have the
15 greatest confidence in her. In fact, so much so that when
16 this sort of all flared up, reached this point, a few months
17 ago I was shocked because, you know, Nicole, I just have the
18 greatest amount of confidence and it was only that I learned
19 that most of this happened before she came that I felt a lot
20 like, you know, well, I was sure that she was certainly a
21 great manager.

22 Q And her honest, how would you, and truthfulness?

23 A Impeccable.

24 Q Were you familiar at all with any of the issues or
25 allegations that were raised in the Petition to Deny, or

1 what we're terming the challenge to the renewal application?

2 A I wasn't familiar with the details.

3 Q And are you at this time familiar with the
4 details?

5 A I don't -- well, that's a difficult question to
6 answer. I mean that's why I got involved. I have the two
7 outside counsel involved because this is not my area of
8 expertise.

9 Q Okay. I'm just wondering, within the Petition to
10 Deny there was a task force recommendation and it was, I
11 believe, published and distributed in 1996, which was
12 several years before your arrival here but, I'm wondering if
13 you had had any opportunity to look at that or if you're
14 aware of it?

15 A No. I may be aware that there was something but I
16 haven't had an opportunity to look at it.

17 Q Okay. In terms of your guidance to Ms. Sawaya, in
18 handling the day to day responsibilities, which I believe
19 you've hired her to do that, what particular guidance have
20 you given her in terms of fulfilling her duties currently
21 and also maybe cleaning up or dealing with the situation she
22 stepped into?

23 A Well, initially her guidance was to clean up and
24 -- I had talked to her about, you know, sort of my long
25 range vision but, I understand that, you know, clean up is

1 necessary before you can move forward. And I knew that she
2 was in the process of cleaning up there. And there's still
3 work to be done related to staffing and other issues but,
4 this week I actually, in light of all of the proceedings
5 that are going on now, issued to her and Nyong and Lorna, a
6 directive, and I have a copy of it here if you'd like to see
7 it, basically saying that, you know, she should, you know,
8 comply with all of the necessary requirements, she should
9 work with outside counsel in preparing reports, and that I
10 should see it before it's submitted to the FCC, and making
11 sure that all time lines were going to be met in the future.
12 So, setup a time line, work with outside counsel on the
13 content of the reports and then make sure that I get a
14 chance to see them and go over with them.

15 Q Okay. Thank you, that's helpful, because, as you
16 may be aware at this point, one of the primary issues and
17 concern the Commissions has with the renewal application
18 that was filed in August 1, 1997, was a false certification
19 and possible misrepresentation subsequent to that, to the
20 Commission. And we really do rely on licensees to be
21 completely candid with the Commission. So, have you
22 directed your staff that, in cleaning up, they may uncover,
23 you know, who knows what, and this goes back awhile, so is
24 there just a general understanding or explicit directive
25 from you to be candid, and even if mistakes were made to

1 just --

2 A That's correct, explicit and in general. I think,
3 you know, I try to lead by example and within the first few
4 months or year that I was here, you know, my job in clean up
5 was uncovering, I called in the FBI, I took a lot of heat
6 for uncovering and exposing the problems that I found in
7 some of the other areas of the District operational
8 organization or departments. And so I think everybody is
9 really clear that this administration's, you know, integrity
10 is on the line and that we're known for not being afraid to
11 uncover and to shed light on, it's best to tell the truth
12 and people can accept the truth if you're honest and open
13 and you have a plan for rectifying any problems that you
14 uncover. So, I think that people are pretty clear, not only
15 within this organization but within this community about
16 that fact as it relates to whatever we finally find and our
17 obligation then is to problem solve and find solutions. So,
18 I don't think that will be a problem. It's just getting in
19 there and doing it, and I don't think that Nicole would feel
20 that she's hindered in any way in uncovering whatever she
21 needs to do to get the job done.

22 Q Okay. Thank you. Have you been involved in
23 providing any information recently to counsel regarding what
24 the Commission has requested as a result of the hearing
25 designation, information, and I'm just wondering to what

1 extent you may have provided information?

2 A To?

3 Q To your current counsel, in terms of responding to
4 Commission requests for documents, admissions, that type of
5 thing?

6 A I've said to them, as I've said to the staff,
7 whatever you need we should be completely open and candid
8 with you, so I would certainly hope that you're getting
9 everything you need, that would be a surprise to me if you
10 weren't.

11 Q But, have you yourself provided specific
12 information or you have delegated and directed your staff to
13 do that?

14 A Well, I've delegated to my staff whatever
15 information I have, you know, possessed, I've given to the
16 staff.

17 MS. LEAVITT: I'd just like a moment to confer
18 with co-counsel. I don't have any other questions at this
19 time.

20 MS. REPP: I just have a few follow-up questions.

21 BY MS. REPP:

22 Q Dr. Ackerman, you mentioned among your efforts to
23 uncover problems in the School District when you arrived was
24 the E-Rate scandal, could you explain a little bit about
25 what that involved?

1 A That was one of the first major scandals we
2 uncovered and was probably the reason -- it was the reason I
3 called in the FBI and subsequently there were other things
4 that were found but, basically we had staff members who were
5 engaged in outside companies in fraud as it relates to the
6 E-Rate scandal, the E-Rate application that we were making
7 as a District. And what we found was this scandal, was
8 actually we found that the same kind of process of fraud was
9 being -- it was in about 19 other districts, have actually
10 testified before Congress and we were whistle blowers. The
11 district actually received three million dollars for
12 uncovering the scams and the fraud and the corruption, not
13 only in our district but now I think they're up to 19
14 districts and there may be more.

15 Q Good job.

16 A Yeah.

17 Q So, that's an example of when you said you lead by
18 your example and from the very beginning your administration
19 has been known for uncovering corruption?

20 A That's right.

21 Q And this involved in fact fraud upon the
22 government agencies in terms of the funding that was being
23 provided?

24 A Yeah, it did.

25 Q We were discussing a bit during your earlier

1 questioning in terms of responsibility for the station, now
2 you had mentioned in the beginning that it is your job as
3 Superintendent to have responsibility over the whole School
4 District but one of those responsibilities is over the
5 station?

6 A Uh-hum.

7 Q Is that yes?

8 A Yes.

9 Q I'm sorry, it helps the Court Reporter.

10 A All right.

11 Q So, do I assume that while day to day
12 responsibility for the station may be in the hands of the
13 Station Manager, who is currently Nicole Sawaya, that
14 ultimate responsibility would reside with you as
15 Superintendent?

16 A The buck stops here.

17 Q And that would be recorded as a yes obviously?

18 A Yes.

19 MR. SHOOK: Sounds very presidential. Do you want
20 to run?

21 THE WITNESS: No.

22 MR. SHOOK: We can use your help.

23 BY MS. REPP:

24 Q As the San Francisco Unified School District is
25 the licensee of the station, certain documents that will go

1 to the FCC will require a signature on behalf of the
2 district, in the past typically the Superintendent has been
3 asked to sign those documents. Going forward, if you're
4 asked to sign a document to the FCC, would you consider that
5 your responsibility to do so?

6 A Yes.

7 Q And in terms of ensuring the accuracy of the
8 statements in that document that you're signing, is the
9 procedures that you've placed in effect what you consider to
10 be the way you'll confirm accuracy?

11 A Absolutely.

12 Q And those procedures you've mentioned earlier
13 include having outside counsel involved in the process?

14 A Yes. Time lines and a report coming to me before
15 the end of the calendar year.

16 Q You mentioned that you do go down to the station
17 and assist in the fund raising efforts?

18 A Yes.

19 Q Could you give me an example of the kinds of
20 activities that involves?

21 A Well, I'm on the radio and I talk about the
22 importance of KALW to the community, you know, I do sort of
23 a -- I'm sorry, I can't remember the name, I'm trying, it's
24 escaping me now but a kind of PR spot --

25 Q Promotional?

1 A Promotional spot, and they play it throughout the
2 campaign. And anything else involved in it, I even give
3 money myself to the station every year.

4 Q And you mentioned that you're interviewed on the
5 station?

6 A Yes.

7 Q Does the station broadcast any of the school
8 meetings --

9 A They broadcast all of the school board meetings.

10 Q And how often do --

11 A Twice a month.

12 Q We had talked before this, you were involved in
13 the process of hiring Nicole Sawaya in the Spring of 2001,
14 and that Jackie Wright assisted in that process. Do you
15 recall, sometime in 2001, discussing with Jackie a report
16 that was prepared on behalf of the School District by then
17 communications counsel?

18 A I do, and it was not -- we didn't delve into the
19 specifics. I think Jackie, at that point, as I remember,
20 gave me some broad overview of the report, and I was
21 reassured by the fact that Nicole was coming on board, and
22 that whatever problems we've had in the past would be, you
23 know, certainly dealt with by Nicole.

24 Q And without getting into a synopsis of her report,
25 was it basically about the status of the license renewal?

1 A Yes.

2 MS. REPP: That's all my questions. If the FCC
3 has some further follow-up?

4 MS. LEAVITT: Just a couple of follow-up
5 questions.

6 BY MS. LEAVITT:

7 Q You mentioned having spoken with Jackie and that
8 she had reported to you that there was something going on
9 and that she was providing information. Can you -- did you
10 see any report or did she provide you with any written --

11 A I don't recall. I mean she could have, you know,
12 dropped off a report in my office but, as I said, there were
13 so many things going on and at that time, you know, I had
14 confidence in Jackie. And then I had confidence in Nicole.
15 So, you know, one of the most difficult parts of that first
16 year was not having good people in place. And so where I
17 had good people in place, their job was to address those
18 issues. And then where I was letting people go and there
19 were no people, good people, we didn't have good staff
20 members in place, I was over there putting out fires. So, I
21 recall some discussion but it was not an alarming
22 discussion.

23 Q Where is Jackie now?

24 A She is at one of the other TV stations.

25 Q Do you know which one?

1 A I don't. She's like -- I don't remember.

2 Q Do you know when she left?

3 A About a year and a half ago.

4 Q Okay. And so to your knowledge was she dealing
5 directly with Mr. Sanchez?

6 A She -- I don't know, I really don't know.

7 Q And that's fine. I ask questions that you may not
8 know the answer to.

9 MS. LEAVITT: I guess that's it.

10 THE WITNESS: Okay.

11 MS. REPP: Thank you so much for your time.

12 Dr. Ackerman, you have the ability to have a draft
13 of the transcript come to you, to review any potential
14 typos, etcetera, or you could waive that and it will be
15 prepared as if you had signed it. Do you have a choice at
16 this point?

17 THE WITNESS: No.

18 MS. REPP: Would you prefer not to have an other
19 piece of paper --

20 THE WITNESS: Yeah, I would prefer not to have
21 one.

22 MS. REPP: We would consider that a waiver for the
23 need to review.

24 THE WITNESS: Okay. Thank you.

25 MS. LEAVITT: That you very much.

1 MR. SHOOK: Thank you for coming.

2 (Thereupon, at 10:20 a.m. the testimony of
3 Arlene Ackerman was concluded.)

4 I have read the foregoing pages 426 through
5 457, and they are a true and accurate record of my
6 testimony therein recorded, and any changes and/or
7 corrections appear on the attached errata sheet
8 signed by me.

9

10 ARLENE ACKERMAN

11 Subscribed and sworn to before me

12 this ____ day of _____, 2004.

13

14 Notary Public

15 My Commission expires: _____

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REPORTER'S CERTIFICATE

DOCKET NO.: 04-191

CASE TITLE: SFUSD - Station KALW (FM)

HEARING DATE: September 29, 2004

LOCATION: Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, California

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 10/14/04

Christopher Loverro

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